

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)

Petition of WorldCom, Inc. Pursuant to Section)
252(e)(5) of the Communications Act for)
Preemption of the Jurisdiction of the Virginia)
State Corporation Commission Regarding)
Interconnection Disputes with Verizon Virginia)
Inc., and for Expedited Arbitration)

CC Docket No. 00-218

Petition of AT&T Communications of Virginia)
Inc., Pursuant to Section 252(e)(5) of the)
Communications Act for Preemption of the)
Jurisdiction of the Virginia Corporation)
Commission Regarding Interconnection Disputes)
With Verizon Virginia Inc.)

CC Docket No. 00-251

ORDER

Adopted: October 03, 2003

Released: October 03, 2003

By the Chief, Pricing Policy Division:

I. INTRODUCTION

1. On August 29, 2003, the Wireline Competition Bureau (Bureau) released the *Virginia Arbitration Cost Order* in the above-captioned matters.¹ In that order, the Bureau established the monthly recurring loop rates that Verizon Virginia, Inc. (Verizon) may charge AT&T Communications of Virginia, Inc. (AT&T) and WorldCom, Inc. (WorldCom),² and established a procedural schedule for parties to submit compliance filings for all other unbundled network element, interconnection, and resale rates.³ On September 29, 2003, Verizon filed a *Motion for Stay*, requesting that the Federal Communications Commission "stay the [*Virginia Arbitration Cost Order*] and the resulting rates pending review by the full Commission or reform of its [Total Element Long-Run Incremental Cost] TELRIC rules."⁴ Also on September 29, 2003, Verizon filed an application for review of the *Virginia Arbitration Cost Order*.⁵

¹ *Petition of WorldCom, Inc., Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration*, CC Docket Nos. 00-218, 00-251, Memorandum Opinion and Order, DA 03-2738 (rel. Aug. 29, 2003) (*Virginia Arbitration Cost Order*).

² See *id.* at paras. 4, 694, App. E.

³ See *id.* at paras. 4, 695-97.

⁴ *Petition of WorldCom, Inc., Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon* (Continued....)

2. On October 1, 2003, AT&T and WorldCom filed a *Motion for Extension of Time* to respond to the Verizon *Motion for Stay*.⁶ Specifically, AT&T and WorldCom request that the deadline for responding to the *Motion for Stay* be extended by eight days, from October 6, 2003, to October 14, 2003.⁷ They claim that this brief extension will enable them to submit their responses to the *Motion for Stay* and the *Verizon Application for Review* on the same day and thereby “to respond more effectively, and with less duplication” to the Verizon filings.⁸ They further claim that no party will be injured by a grant of the *Motion for Extension of Time*, and that Verizon has “authorized [them] to state that Verizon does not oppose the requested extension of time.”⁹

II. DISCUSSION

3. We hereby grant the AT&T and WorldCom *Motion for Extension of Time* and extend until October 14, 2003 the deadline for submitting responses to the Verizon *Motion for Stay*. It is the policy of the Commission that extensions of time are not routinely granted.¹⁰ We find, however, that there is good cause to extend the due date for filing responses to the *Motion for Stay*. Because the two Verizon filings, as petitioners correctly note, overlap considerably, extending the filing deadline for responses to the *Motion for Stay* to coincide with the filing deadline for the *Verizon Application for Review* will enable AT&T and WorldCom to coordinate their responses to avoid unnecessary duplication. In turn, coordinated responses will enable the Commission more efficiently to evaluate issues raised in the Verizon filings and the AT&T and WorldCom responses thereto.

4. We also find that granting an eight-day extension of time will not injure any party. Because most of the rates in this proceeding have yet to be established and will not be established until after the parties submit compliance filings on November 28, 2003, granting the brief extension of time will not hinder the establishment or implementation of rates in this proceeding.¹¹ Further, the party seeking the stay does not oppose the extension of time.¹² Consequently, we agree that a brief extension of

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Virginia Inc., and for Expedited Arbitration, CC Docket Nos. 00-218, 00-251, Verizon Virginia Inc.’s Motion for Stay (filed Sept. 29, 2003) (*Motion for Stay*).

⁵ *Petition of WorldCom, Inc., Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration*, CC Docket Nos. 00-218, 00-251, Verizon Virginia Inc.’s Application for Review (filed Sept. 29, 2003) (*Verizon Application for Review*).

⁶ *Petition of WorldCom, Inc., Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration*, CC Docket Nos. 00-218, 00-251, Unopposed Motion of AT&T Communications of Virginia LLC and WorldCom, Inc. (d/b/a MCI) for Extension of Time (filed Oct. 1, 2003) (*Motion for Extension of Time*).

⁷ *Id.* at 1, 3.

⁸ *Id.* at 2.

⁹ *Id.* at 2-3.

¹⁰ 47 C.F.R. § 1.46(a)

¹¹ See *Virginia Arbitration Cost Order*, at paras. 695, 698; *Motion for Extension of Time* at 2 (citing same).

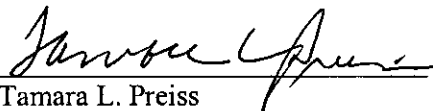
¹² See *Motion for Extension of Time* at 3. This representation indicates that AT&T and WorldCom satisfied the requirement to notify Verizon of their motion under section 1.46(c) of the Commission’s rules. See 47 C.F.R. § 1.46(c).

time that aligns the response deadline to the *Motion for Stay* with the response deadline to the *Verizon Application for Review* is warranted.¹³

5. Accordingly, we grant the AT&T and WorldCom *Motion for Extension of Time* and extend the deadline by which AT&T and WorldCom may file responses to the Verizon *Motion for Stay* to **October 14, 2003**. This matter shall continue to be treated as a restricted proceeding in accordance with the Commission's *ex parte* rules.¹⁴ All other requirements discussed in the *Virginia Arbitration Cost Order* remain in effect.

6. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j) 155(c), and sections 0.91, 0.291, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, the request for extension of time filed by the AT&T and WorldCom IS GRANTED.

By Order of the Bureau,


Tamara L. Preiss
Chief, Pricing Policy Division

¹³ We note that our rules prohibit the filing of replies to oppositions to stay motions, and that any such replies, if filed, "will not be considered." 47 C.F.R. § 1.45(d).

¹⁴ 47 C.F.R. § 1.1208.